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REPORT

OF THE

LAND ATTORNEY AND STATE COLLECTOR

OF THE

STATE OF ARKANSAS,

MADE TO

THE GOVERNOR,

In Pursuance of Law.

LITTLE ROCK:
JOHNSON & YERKES, STATE PRINTERS.
1860.

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REPORT.

OFFICE OF LAND ATTORNEY AND STATE COLLECTOR,
Little Rock, Arks., October 8th, 1860.

To His Excellency, ELIAS N. CONWAY,
Governor of Arkansas:

SIR—Two years having elapsed since my last bi-annual report, it becomes necessary, according to a wise provision of the statute, for me to transmit to you a statement of the result of my official labors during that period of time.

In consequence of the sickness of myself and family, I have not been able to bestow that activity which I would otherwise have done; but notwithstanding, in consequence of the rapidly increasing value of land in all parts of the state, debtors, in their anxiety to secure titles, have made up, in part at least, for the unavoidable latches on my part, by increased activity on theirs, as will appear by the figures below, which show that more money has been collected and paid into the treasury during the two years last past, than was collected the two years immediately preceding.

From the 1st of October, 1858, to the 1st of October, 1860, there have been collected and paid into the state treasury, in specie, *one hundred and four thousand, seven hundred and ninety-five dollars and thirty-four cents;* and there have been collected in *bonds and coupons*, on account of the Bank of the State of Arkansas, *five thousand, nine hundred and thirty-two dollars and thirty-one cents*, which has been paid over to the financial receiver of said bank.

The payments were made as follows, to-wit:

On account of internal improvement fund	$84,634 83
of seminary fund	13,973 47
of the saline fund	5,310 87
On account of the State Bank (lands sold by the state land agents) in specie	876 17
On account of the State Bank, in bonds and coupons	5,932 37
Total amount collected	$ 110,727 65

In addition to the foregoing, some payments have been made in drafts, which are held as collaterals, and have not yet been paid, but so soon as they are paid, will be applied to the proper credits.

When I came into office, I found suits pending, in various courts, on notes given for lands of the 500,000 acre grant, the most of which were pressed to final judgment, and the money collected; some of them, however, have been, by appeal, delayed, and are now pending in the supreme court, and an early termination is anticipated. Other suits of more recent origin are now pending and undetermined; but they are not numerous, as I have not deemed it prudent to multiply suits, and tax debtors with costs, where a disposition was manifested to make payments, especially where the parties were disappointed in obtaining the means to do so, by reason of a failure of crops, by overflow or by drouth. As a general thing, and with but few exceptions, I have found debtors not only willing but anxious to pay off their debts and obtain titles to their lands.

Since my last bi-annual report, I have not caused any sales to be forfeited, nor do I think the interests of the state demand the forfeiture of but little, if any, more lands; as most of the certificates of purchase are held by persons who will pay, and, by the forfeiture, the state, in most instances, loses the interest that has accrued upon present notes.

After the observations and experience of almost four years, if I were unable to suggest some practical improvement, it would argue, either that our landed system is perfect, that I have failed to observe its workings, or do not possess mind enough to devise a plan by which to remedy the evil. Two years ago, I was satisfied that improvements could be made, and would have offered some suggestions then, but from a natural timidity to make myself appear officious. Having deliberated on the subject for two more years, and having determined to close my official labors in this behalf with the termination of my present term of office, I feel impelled, however reluctantly, by a sense of duty to make to your excellency some practical suggestions on the subject—point out the evils, and propose a remedy.

THE EVILS.

1st. The several state land agents who are by law vested with the power and authority to sell the lands belonging to the state, receive an annual salary of only $400 each.

2d. The auditor whose duty it is to certify to the governor when payments have been made into the treasury, and that the party is entitled to a deed from the state, receives an annual salary of only $1,200. Neither the auditor nor any of the state land agents receives a salary sufficient to compensate for the services of a respectable clerk; yet they are all profitable offices, and eagerly sought after by our best and most competent citizens. But the state land agents are allowed certain perquisites, and so is the auditor; the former receives *one dollar* for each certificate of purchase which he issues upon the sale of a piece of land, *to be paid by the purchaser;* the latter is allowed *one dollar* for every certificate which he certifies to the governor for a deed, *to be paid by the purchaser;* which small sums swell their yearly income from hundreds to thousands of dollars.

But the question is, not whether the offices named produce large or small compensation; but *from what source is it derived.* Is it in accordance with republicanism? And does it operate wisely, judiciously—*equally?*

Government is instituted for the protection of life, liberty and property, and, in order to secure that protection, the people—the *whole* people, agree to submit to taxation to support the government in all of its departments; which tax, like legislation, should, in the language of JACKSON, "like the dews of heaven, fall equally upon all," and any system which shifts the burthens of government, in whole or in part, from the whole to a part, or from one class of citizens to another; or which causes the government, which is established for the common benefit of all, to receive its support from the citizens unequally, is oppressive, anti-republican, and wrong, and should be corrected at once by

REMEDIAL LEGISLATION.

The principle of *small* salaries and *large* perquisites, though wrong in principle, was no doubt adopted in the early history of the state government as a matter of expediency, and may have worked to all appearance well, when population was sparse, and when there was but little wealth in the state; but now, when population crowds our borders,

when our wealth is rapidly increasing—when our state is making rapid strides to future greatness; and when, with our resources but feebly developed, our treasury overflows so that the question has been "what shall we do with the surplus revenue?" it is no longer necessary or *expedient* to require the *few*, who are endeavoring to secure homes for themselves and families, to pay *thousands* of dollars towards the support of the government, while the *entire population*, through the state revenue, pay but *hundreds*. The plan that I propose is to increase the *salaries* of the state officers, and to cut off their *perquisites*, and thereby distribute the burthens of government equally among all our citizens.

Again, the experience of the last two years have satisfied me that the office of *land attorney and state collector* should be abolished, and that payments ought to be made directly into the state treasury; and should it at any time become necessary to bring suits, let the several prosecuting attorneys in the state attend to such collections, within their respective circuits, and let them receive the per cent. now allowed by law for their risk and trouble. And to compensate the treasurer for the additional labor and trouble which would thus be imposed upon him; either increase his salary, or give him an additional clerk in the office.

All of which is respectfully submitted.

Your humble servant,

JAS. W. McCONAUGHEY,

Land Attorney and State Collector,

and ex-officio Bank Attorney.